

108 CMR 7.00: PAYMENTS TO APPLICANTS IN SPECIAL CIRCUMSTANCES

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7.01: Unemployed Applicants

(1) Causes of Unemployment. When an application for benefits is based upon need resulting primarily from the applicant's unemployment, the veterans' agent shall conduct an investigation of reasonable thoroughness to determine the causes of the unemployment. The investigation shall include contact with the applicant's last employer and with the state Division of Employment and Training (DET).

(2) Disqualification from Unemployment Benefits. The fact that DET disqualifies the applicant from receiving state unemployment benefits shall not, by itself, constitute a sufficient reason for disqualifying the unemployed applicant from receiving veterans' benefits.

(3) Development of an Employment Plan. The veterans' agent and the employable applicant shall develop an employment plan, and that employment plan should be submitted within 90 days of submission of the application (Form VS-1). The plan shall identify those efforts the applicant is required to make to find employment and shall include:

- (a) An employment history for the last two years.
- (b) The reason for present unemployment.
- (c) The number of weekly job searches required by the veterans' agent, and those job search lists shall be verified by the veterans' agent on at least a bi-weekly basis.
- (d) The name of any employment counseling agencies the applicant will be required to attend and the required frequency of such attendance.
- (e) The identity of any training programs or courses the applicant may need to find employment.
- (f) The types of networking efforts the applicant will undertake to find employment.
- (g) The veterans' agent's best estimate of when the applicant will be able to find employment with due consideration for the applicant's skills, age, health, financial circumstances, and job market conditions.
- (h) An applicant's failure to follow the employment plan may be cause to find the applicant voluntarily unemployed as per 108 CMR 3.06(1)(b) and uncooperative as per 108 CMR 8.05(1).

(4) Employability of the Applicant. The veterans' agent shall deny further veterans' benefits to employable applicants who refuse, without good cause, to accept any bona fide offer of employment for which they are reasonably qualified based on their skills, training, physical condition and present circumstances. Notwithstanding the foregoing, applicants may be required to accept minimum wage employment.

(5) Unemployability for Medical Reasons.

- (a) If an applicant claims to have left previous employment for medical reasons, the veterans' agent shall obtain from the applicant's physician a statement setting forth the following:
 - 1. his or her diagnosis,
 - 2. prognosis,

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3. prescribed treatment, and
 4. appraisal of the applicant's ability to work.
- (b) Applicants may be required to undergo an independent evaluation by a doctor chosen by DVS.
- (c) The veterans' agent also shall gather information from the applicant's former employer on the applicant's working conditions while employed.
- (d) Unless prevented from doing so by medical reasons, the eligible employable applicant personally should pick up his or her veterans' benefits checks.

7.02: Self-employed Applicants

- (1) The review shall include a report signed under penalties and perjury, by either the applicant or the auditor, or a person responsible for handling the company books. Based on all the facts, the Secretary will determine eligibility before any benefits are paid. The fact that a business expense is reported as tax deductible, shall not be conclusive evidence that it is a legitimate business expense for the purpose of determining the applicant's income.
- (2) The veteran's agent shall also require applicants whose self-employment efforts have failed to generate income which, is adequate enough to afford them sufficient relief or support, and who have no foreseeable prospects of generating income, to complete an employment plan and conduct job searches as required by 108 CMR 7.01(3) and (4) as a condition of receiving benefits.
- (3) However, under no circumstances will veterans' benefits subsidize a business.

7.03: Applicants Participating in a Substance Abuse or Other Rehabilitation Program

- (1) Veterans' Agents Handling of These Cases.
- (a) The veterans' agent shall handle a benefits application from an applicant participating in a substance abuse or other rehabilitation programs in the same manner as any other application. Prior to making a recommendation on benefits payments to the applicant, the veterans' agent shall discuss his or her substance abuse or other problem with the applicant. In substance abuse cases and before making a favorable recommendation, the veterans' agent shall have a reasonable belief that the applicant recognizes his or her substance abuse problem and has a sincere desire to be rehabilitated.
- (b) On the basis of the veterans' agent's initial favorable recommendation, benefits shall begin immediately and continue for a period of two months. At the end of that period, the veterans' agent shall review the case and make further recommendations. In the ongoing management of these cases, the veterans' agent shall bear in mind that the substance abuse or other rehabilitation process frequently is marked by repeated false starts which may require successive renewals of the applicant's benefits.
- (c) The veterans' agent shall closely supervise cases involving applicants undergoing substance abuse rehabilitation. Once the applicant has been returned to good physical health, the veterans' agent shall encourage and assist the applicant in completing his or her rehabilitation through work with various social service agencies.
- (d) The veterans' agents shall endeavor to educate and familiarize themselves with the medical, social and emotional factors surrounding the problem of substance abuse, the other social services agencies which attempt to meet the special needs of substance abusers, and the particular facilities which offer substance abuse rehabilitation programs.
- (2) Rehabilitation Facilities, Shelters, and Houses for Alcoholism, Substance Abuse, and Emotional Disorders. 108 CMR 7.00 is promulgated in connection with assistance to eligible applicants who become patients or residents in treatment or rehabilitation facilities, shelters, and houses.
- (a) DVS is not authorized to make payment to any hospital for alcoholism for the treatment of a recipient who is an inpatient in such a hospital.
- (b) If an eligible applicant becomes a patient or resident in such a facility, shelter, or house, aid may be granted to the applicant in accordance with the Secretary's Budget Amounts directive in effect at the time of the application.

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- (c) The city or town in which the applicant resided immediately prior to his or her admission to a facility, shelter, or house shall be responsible for providing the financial aid to such an eligible applicant for up to one year according to 108 CMR 3.04(1).
- (d) In the event that a facility, shelter, or house has not yet been assigned a rate, the Secretary shall establish an interim rate by directive.
- (e) The applicant's total income, less personal needs allowance, must be applied toward the total cost of the bill and the city or town in which the applicant resided immediately prior to his admission will be responsible for the balance.

7.04: Applicants Attending School

- (1) College or University. DVS shall not reimburse the payment of ordinary living expenses to an applicant who voluntarily removes himself or herself from the labor market in order to attend a course of instruction at a college or university. DVS may reimburse the payment of such expenses if the applicant is attending a part-time course of instruction and not voluntarily unemployed per 108 CMR 3.06(1)(b) and on a showing of need. DVS may reimburse payments for emergency medical expenses.
- (2) High School. In order to encourage an applicant to obtain a high school diploma, DVS may reimburse necessary payments made to supplement the applicant's veterans' assistance allowance. Whether or not such supplementation is provided, DVS shall consider payments for emergency medical expenses.

7.05: Applicant's Absence from the Commonwealth

The veterans' agent shall not suspend the payment of benefits to an applicant until that applicant has been absent from the Commonwealth for longer than seven days. The applicant shall notify the veterans' agent upon departing from and returning to the Commonwealth for periods longer than seven days.

7.06: Emergency Services to Homeless Veterans

In cases where a homeless person applies for assistance to a city or town veterans' services department and states that he or she is a veteran as defined in M.G.L. c. 4, § 7, clause forty-third, but does not have in his or her possession the supporting documents to prove his or her veteran's status, the veterans' agent shall try to obtain as much corroborative information from the applicant as possible. If in the judgment of the veterans' agent, it appears that the applicant's claim of veteran status is credible and if the need for immediate assistance is extreme and critical, the veterans' agent may issue a voucher to obtain shelter and related necessities, rather than wait until the required documents are obtained. The veterans' agent shall inform the applicant that acceptance of the emergency grant shall not entitle the applicant to any additional payments unless the veterans' agent determines that the applicant is otherwise qualified for benefits pursuant to M.G.L. c. 115 and 108 CMR 7.00. The veterans' agent shall inform the applicant that in no event shall the emergency payment exceed one month's benefits. The veterans' agent must notify the Secretary at the time of processing an emergency application or on the next business day.

7.07: Services to Prevent Homelessness

- (1) Mortgage Arrearages.
 - (a) An applicant or recipient who is three or more months in arrears, and otherwise eligible for ordinary or fuel benefits, shall be eligible for residential mortgage arrears so long as he or she provides the veteran's agent with specific reasons supporting said payment. The applicant or recipient shall also submit proof that he or she has used all alternative sources of income and assets and said payment is pre-approved by the Secretary. Any benefit paid in this respect shall be limited to principal, interest, and any assessed fees. The recipient shall be required to submit verification of his or her arrearages. No more than one such payment shall be made to an applicant or recipient in any given three-year period.

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(b) For any mortgage arrears over \$2,000 the veterans' agent shall execute a repayment agreement which shall be secured as a lien against the applicant's property in the appropriate Registry of Deeds, and shall be enforced if the property is sold within three years of the date of recording the lien. After three years of the recording of the lien, the lien shall become dissolved.

(2) Rental Arrearages to Prevent Eviction.

(a) A veterans' agent shall not pay benefits for overdue rental arrearages, to an applicant who is otherwise eligible for ordinary and fuel benefits, unless he or she first provides the Secretary with specific written reasons supporting said payment and said payment is authorized or approved by the Secretary. Such rental arrears payments shall be allowed only once to a recipient, unless the Secretary decides otherwise.

(b) Such recipient shall be required to submit one of the following verifications of immediate eviction:

1. A notice to quit from a court or landlord.
2. A summary process complaint.

(b) A copy of this verification must be filed in the case record and a copy submitted to DVS.

(c) To prevent eviction, eligible recipients shall be granted a special one-time payment (unless the Secretary otherwise decides,) provided the following conditions are met:

1. A written statement is provided indicating the monthly payment and the months the recipient is in arrears.
2. The landlord agrees in writing that all eviction proceedings will be terminated before or upon receipt of written approval by the veterans' agent and will not be reinstated on the basis of any past or current tenant violations.
3. That the arrearage payment shall be either the full amount of the outstanding arrearages or three month's rent, whichever is less.

7.08: Utility Arrearages

Applicants and recipients who are three or more months in arrears in water and sewer, gas, electric, or oil bills shall be eligible for emergency payments in order to prevent the dwelling from becoming uninhabitable. Such applicant or recipient shall provide the veterans' agent with specific written reasons supporting such arrearages, and verification of same. Such arrearage payment shall be limited to one in any given three year period, unless the Secretary decides otherwise, and only after the applicant and veteran's agent have made every effort to secure a payment plan with the utility company.

7.09: Emergency Home Repairs

(1) Repairs Under \$500. A veterans' agent may grant up to \$500 to applicants or recipients when the veteran's agent has verified the costs of emergency repairs to the applicant's owner-occupied dwelling or residence to protect the health, welfare and safety of the applicant.

(2) Repairs Over \$500. The veterans' agent, with prior DVS approval, shall grant payments for emergency repairs to the applicant's owner-occupied residence or dwelling to protect the applicant's health, welfare and safety in amounts over \$500. For any repairs expected to cost over \$1,000, the agent shall ascertain that the applicant has pursued all reasonable alternative resources and the veterans' agent shall obtain three quotes. For any improvement over \$2,000, the veterans' agent shall execute a repayment agreement which shall be secured as a lien against the applicant's property in the appropriate Registry of Deeds, and shall be enforced if the property is sold within three years of the date of recording the lien. After three years of recording the lien, the lien shall become dissolved.

7.10: Catastrophe

In the event that fire, flood, windstorm or any other natural disaster or catastrophe causes a loss of the applicant's dwelling, or otherwise creates unusual hardship for the applicant, the veterans' agent shall take immediate action to provide necessary food, shelter and clothing for the applicant. After the immediate emergency needs are met, the veterans' agent and DVS staff shall direct the applicant to the appropriate local, state, or federal authorities for further assistance.

7.11: Moving and Transportation Assistance

Moving and transportation assistance is provided to recipients who meet the following criteria. The recipient must have a significant social, medical, or financial problem which may be alleviated by moving or travel; be eligible for veteran's benefits; have insufficient resources for such moving and transportation assistance; not previously been in receipt of moving assistance.

(1) Moving and Transportation within the Commonwealth.

(a) Moving Assistance. The veterans' agent must obtain DVS prior approval before granting benefits for moving an applicant's furniture, household goods, and personal possessions. The veterans' agent's request must include documented need and eligibility in accordance with the criteria in 108 CMR 7.11(1) through (4). The move must be conducted by a duly certified carrier or mover after the veterans' agent has obtained three quotes. Transportation assistance may be granted with prior approval by the most economical means.

(b) Transportation Assistance to Medical Appointments. A recipient who is medically unable, as documented by a physician, to drive himself or herself; or who is not a licensed operator or who does not own his or her own vehicle; and who certified that he or she has exhausted all affordable alternative transportation which he or she can afford, may receive transportation assistance to medical appointments. The veterans' agent must obtain prior approval from the Secretary.

(2) Transportation outside the Commonwealth. No moving expenses for personal effects shall be allowed for moving outside the Commonwealth. Transportation assistance with prior DVS approval may be allowed for moving outside the Commonwealth if the veterans' agent provides documented need and eligibility in accordance with the criteria in 108 CMR 7.11(1) and (2). Transportation is to be provided by the most economical means.

REGULATORY AUTHORITY

108 CMR 7.00: M.G.L. c. 115.

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